

STATEMENT OF VICTOR KNOX, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE SUBCOMMITTEE ON NATIONAL PARKS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 146, TO AUTHORIZE THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF AGRICULTURE TO ENTER INTO AGREEMENTS WITH STATES AND POLITICAL SUBDIVISIONS OF STATES PROVIDING FOR THE CONTINUED OPERATION, IN WHOLE OR IN PART, OF PUBLIC LAND, UNITS OF THE NATIONAL PARK SYSTEM, UNITS OF THE NATIONAL WILDLIFE REFUGE SYSTEM, AND UNITS OF THE NATIONAL FOREST SYSTEM IN THE STATE DURING ANY PERIOD IN WHICH THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF AGRICULTURE IS UNABLE TO MAINTAIN NORMAL LEVEL OF OPERATIONS AT THE UNITS DUE TO A LAPSE IN APPROPRIATIONS, AND FOR OTHER PURPOSES.

June 10, 2015

Mr. Chairman and members of the Committee, thank you for the opportunity to provide the views of the Department on S. 146, a bill to authorize the Secretary of the Interior or the Secretary of Agriculture to enter into agreements with States and political subdivisions of States providing for the continued operation, in whole or in part, of public land, units of the National Park System, units of the National Wildlife Refuge System, and units of the National Forest System in the State during any period in which the Secretary of the Interior or the Secretary of Agriculture is unable to maintain normal level of operations at the units due to a lapse in appropriations, and for other purposes.

The Department strongly opposes S. 146. We have a great deal of sympathy for the businesses and communities that experienced a disruption of activity and loss of revenue during the October 2013 partial government shutdown and that stand to lose more if there is another funding lapse in the future. However, we disagree generally with the idea of enacting laws to try to lessen the impact of a future government shutdown for a few select governmental activities rather than protecting all such activities by avoiding a lapse in appropriations. We also believe that this legislation specifically, with its mandate to enter into agreements to reopen public lands at the request of a state, would be very difficult to execute. Furthermore, we are concerned that agreements to have states provide funding for activities that are inherently Federal in nature, even for a short period of time, would undermine the longstanding framework established by Congress for the management of Federal lands under the stewardship of the Department.

S. 146 would require the Secretary of the Interior and Secretary of Agriculture to enter into agreements with States or their political subdivisions, upon their request, to accept funds to open National Park units, National Wildlife Refuges, Bureau of Land Management lands, and National Forests. The authority would be in effect only during a period when the Secretary is unable to operate and manage the units at normal levels. The bill would also provide for reimbursement for the amounts provided to the Secretaries to reopen the sites when appropriations are enacted providing retroactive funding, or when the State or political subdivision establishes that entrance fees were collected for the period covered by the agreement.

If those requirements are not met, the Secretary would have discretionary authority to provide reimbursement to the states, subject to the availability of appropriations.

The desire to avoid the kind of disappointment to the public and disruption of economic activity that results from a lapse in Federal appropriations is understandable. When the partial government shutdown occurred from October 1 through October 16, 2013, a lot of attention was focused on effects of closures of national parks, national wildlife refuges, public lands managed by the Bureau of Land Management, and national forests – all places that are highly valued by the public for their recreational offerings and that serve as economic engines for the communities in which they are located.

It was because of the critical importance of these sites that the Secretary of the Interior agreed to reopen several of them using donated funds during the partial shutdown. As the shutdown entered its second week, the National Park Service entered into donation agreements with six states to accept the donation of funds necessary to allow the National Park Service to temporarily reopen 13 national park units. In these cases, the states were concerned enough about the loss of economic activity associated with certain national parks to use their own funds to alleviate the impact of park closures.

These agreements did help a select number of businesses and communities. However, they should not be held up as a model of how the Federal government should do business. The national parks that were opened during the shutdown were fortunate to be located in states that had the resources and political will to fund them. The National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service, which all seek to treat the land units under their stewardship equitably, have grave concerns about enshrining in law a process that favors units located in states willing to donate funds to operate them over those located in other states.

Furthermore, the agreements were designed to be temporary, emergency measures for some individual situations, and would not necessarily work for operating all Federal lands. Even for those sites where agreements might work, the potential difficulty of executing agreements on the scale envisioned by S. 146—every agreement that every state or political subdivision requests—at a time when most of the agencies’ staff would be furloughed, cannot be overstated. During the October 2013 partial government shutdown, it was an enormous burden on the National Park Service and the Department, with their skeletal staffs, to execute just six agreements to reopen 13 park units. If a large number of states requested such agreements for a large number of sites in a future shutdown, the agencies would not have the capacity to respond to all of the requests.

The 2013 Federal government shutdown had terrible impacts for American citizens, businesses, communities, states, and the economy as a whole. These impacts are summarized in the report released by the Office of Management and Budget entitled “Impacts and Costs of the October 2013 Federal Government Shutdown” (November 2013). The report makes clear that the economic effects and disruption to lives and activities from the shutdown were felt far and wide. Enacting a law to try to avoid the impact of a future shutdown on specified activities is not a responsible alternative to simply making the political commitment to avoid a shutdown in the future by providing appropriations for all the vital functions the Federal government performs.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.